

FILE COPY

STATE OF WISCONSIN
BEFORE THE EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF : MEMORANDUM AND ORDER
THE INVESTIGATION OF : ON SETTLEMENT CONFERENCE
:
ALLEN C. NYHAGEN, R.L.S., :
LICENSEE. : File No. 86 A&E 30

TO: Allen C. Nyhagen, R.L.S.
108 Walnut Street
Hudson, WI 54016

Sherry Steffel
Attorney at Law
P.O. Box 8935
Madison, WI 53708

Pursuant to notice, a settlement conference was held before officials of the Land Surveyors Section of the Board on August 6, 1987. The purpose of the conference was to provide all interested parties with an opportunity to discuss the allegations received pertaining to the practice of Allen C. Nyhagen as a registered land surveyor, and attempt to reach a fair resolution of the matter.

APPEARANCES

Presiding over the settlement conference was Donald L. Paulson, Chairman of the Land Surveyors Section of the Board. Other board members present were Frederic Copp, Mary Hall Sullivan, and Bernard Watermolen. The board's legal counsel, Wayne R. Austin, was also present.

Attorney Sherry Steffel appeared representing the Division of Enforcement to provide information concerning the allegations made against the licensee.

The licensee, Allen C. Nyhagen, appeared personally and without legal counsel.

PROCEEDINGS

The presiding officer made an introductory statement describing the procedures by which the settlement conference would be conducted.

Oral presentations of the positions of the parties were made. These statements were made for the sole purpose of negotiating a binding, consensual agreement. They were received without prejudice to later changes and may not be used against the licensee in any formal hearing.

Subsequent to the receipt of the oral statements the parties presented recommendations for terms of settlement. The board members considered the presentations and made a recommendation of settlement terms on behalf of the board.

After discussion, Mr. Nyhagen accepted the terms of the proposed settlement, and thereafter entered into a Stipulation with the board, a copy of which is attached hereto and made a part hereof.

Based upon the proceedings at the settlement conference, and upon the Stipulation executed by the parties, the board orders as follows:

ORDER

IT IS HEREBY ORDERED that the license of Allen C. Nyhagen to practice as a land surveyor in Wisconsin be, and hereby is, suspended for a period of 14 days effective commencing on September 14, 1987, and ending September 29, 1987.

Dated at Madison, Wisconsin this 2 day of September, 1987.

Examining Board of Architects,
Professional Engineers, Designers,
and Land Surveyors

by Donald L. Paulson
Donald L. Paulson, R.L.S., P.E.
Chairman, Land Surveyors Section

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BEFORE THE STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

IN THE MATTER OF THE
INVESTIGATION OF

ALLEN C. NYHAGEN, R.L.S.,
LICENSEE.

STIPULATION

Allen C. Nyhagen, R.L.S., and the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors, Land Surveyors Section, having reached an agreement for disposition of the informal complaint identified as 86 A&E 30, stipulate and agree as follows:

1. This Stipulation shall be included as part of a Memorandum and Order on Settlement Conference to be issued by the board, and all the terms of this Stipulation shall be binding on Allen C. Nyhagen (Nyhagen) as a part of the board's order.

2. This Stipulation and the board's order shall be placed in Nyhagen's permanent file in the board's records, and may be used if there are subsequent complaints against him.

3. Nyhagen was granted a license to practice as a land surveyor in Wisconsin on June 17, 1977 (license number 1407).

4. Nyhagen renewed his license on January 31, 1979. A renewal notice was mailed to Nyhagen in December, 1981, indicating that Nyhagen's license would expire on January 31, 1982; however, Nyhagen failed to renew his license at that time.

5. From January 31, 1982, until on or about June 1, 1987, Nyhagen practiced as a land surveyor without a current registration. Nyhagen's renewal on June 1, 1987, occurred after the department became aware of his previous failure to renew through an unrelated matter and notified Nyhagen of his unlicensed status.

6. In practicing from January 31, 1982, until approximately June 1, 1987, without having renewed his registration as required by Wis. Stats. sec. 443.02(4)(a), Nyhagen has violated Wis. Adm. Code sec. A-E 8.03(3)(a), and has thereby engaged in misconduct within the meaning of Wis. Stats. sec. 443.12(1).

7. Nyhagen and the board agree that appropriate discipline to be imposed in recognition of the misconduct found in this case is suspension of Nyhagen's license to practice land surveying for fifteen days, commencing September 14, 1987, and ending September 29, 1987.

Dated at Hudson, Wisconsin, this 21 day of August, 1987.

Allen C. Nyhagen
Allen C. Nyhagen, R.L.S.

Dated at Madison, Wisconsin, this 12th day of August, 1987.

Department of Regulation & Licensing
Division of Enforcement

by Sherry Steffel
Sherry Steffel, Attorney

Dated at Madison, Wisconsin, this 2 day of ~~August~~^{Sept.}, 1987.

Examining Board of Architects,
Professional Engineers, Designers
and Land Surveyors

by Donald L. Paulson
Donald L. Paulson, P.E., R.L.S.
Chairman

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